

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ELAINE JOHNSON, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

MOORE HOLDINGS, LLC d/b/a RENEWAL
BY ANDERSEN,

Defendant.

Civil Action No.: _____

NOTICE OF REMOVAL

TO: The Clerk and the Honorable Judges
Of The United States District Court
For The District Of New Jersey, Newark Vicinage

-and-

Jeremy A. Glapion, Esq.
The Glapion Law Firm, LLC
1704 Maxwell Drive
Wall, NJ 07719

PLEASE TAKE NOTICE: Defendant Moore Holdings, LLC (hereinafter, "Defendant"), hereby gives notice to the Court, pursuant to 28 U.S.C. § 1441, of the removal of this action, captioned *Elaine Johnson, on behalf of herself and all others similarly situated v. Moore Holdings, LLC d/b/a Renewal By Anderson*, Docket No. L-00270-18 from the Superior Court of New Jersey, Law Division, in Union County (hereinafter "the State Court Action") to the United States District Court for the District of New Jersey.

1. Removal of this matter from the Superior Court of New Jersey to the United States District Court is proper for the reasons set forth below.

2. This Notice of Removal is timely. Within the last thirty days, Defendant was served with the Summons and Class Action Complaint (hereinafter, "Complaint") in the State Court Action.

3. True and correct copies of the Summons and Complaint in the State Court Action plus a Civil Case Information Statement are attached hereto as Exhibit A.

4. True and correct copies of the remaining pleadings and papers comprising the state court's docket in the State Court Action are attached hereto as Exhibit B.

5. Although Defendant denies any wrongdoing, plaintiff Elaine Johnson ("Plaintiff") contends that Defendant violated the provisions of the Telephone Consumer Protection Act, 47 U.S.C § 227 ("TCPA") through the unlawful use of automated telephone dialing equipment, by using an artificial or prerecorded voice and by failing to maintain a written "do not call" policy. *See* Ex. A hereto at Paragraphs 67, 68, 74.

6. Plaintiff contends Defendant knowingly or willfully violated the TCPA, which, if proven, would entitle Plaintiff and the putative class to as much as \$1500 for each and every violation of the TCPA. *See* Exhibit A, Paragraphs 71, 79. Defendant denies any liability.

7. Because the TCPA is a federal statute, federal question jurisdiction over the State Court Action exists under 28 U.S.C. § 1331, which states that the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

8. This Notice of Removal has been filed within thirty (30) days of service of the Summons and Complaint upon Defendant in the State Court Action. Moreover, there are no other defendants whose consent is needed for removal of this matter.

9. Venue is proper in this district, and in particular, the Newark Vicinage, as the claims asserted by Plaintiff in this matter allegedly arose in Cranford, New Jersey which is

located in Union County, and the State Court Action is pending in Union County, which is located in the District of New Jersey, Newark Vicinage.

10. This matter is properly removable to this Court pursuant to 28 U.S.C. § 1441(a).

11. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal has been given to all parties involved in the State Court Action and is being filed therein with the Clerk of the Superior Court of New Jersey, Law Division, Union County via the attached Notice To State Court Of Removal To Federal Court. *See* Exhibit C hereto.

12. Accordingly, this matter should be and hereby is removed to the United States District Court for the District of New Jersey by virtue of 28 U.S.C. §1441 (a) and 28 U.S.C. § 1446(b).

13. Defendant submits this Notice of Removal without waiving any defense to Plaintiff's asserted claims; without waiving any other right or remedy; and without conceding that Plaintiff has asserted any valid claim upon which relief may be granted.¹

WHEREFORE, Defendant respectfully gives notice to this Court of the removal of the State Court Action from the Superior Court of New Jersey, Law Division, Union County, to the United States District Court for the District of New Jersey, Newark Vicinage.

Dated: New York, New York
July 16, 2018

OLSHAN FROME WOLOSKY LLP

/s/ Andrew B. Lustigman

By: Andrew B. Lustigman

Scott Shaffer

1325 Avenue of the Americas
New York, New York 10019

-and-

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Newark, NJ 07102

¹ Defendant specifically reserves all rights with respect to its position that Plaintiff has sued the wrong corporate entity.

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Attorneys for Defendant